

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN CHRIST, aka John J. Forbes,

Defendant.

No. CR03-204Z

ORDER ON LIMITED REMAND

This matter comes before the Court as a result of a LIMITED REMAND Memorandum of the Ninth Circuit Court of Appeals dated December 5, 2005, and the Ninth Circuit Judgment filed in this Court on January 10, 2006, remanding in part, pursuant to United States v. Ameline, 409 F.3d 1073 (9th Cir. 2005) (en banc). See United States v. Christ, Ninth Circuit Case No. 04-30242; C03-204TSZ, docket no. 48. In accord with the limited remand procedures adopted in United States v. Ameline, the Court must determine whether the Court's sentencing decision "would have been materially different had the Judge been aware that the Guidelines were advisory." Ameline, 409 F.3d at 1079. The Court permitted the parties to file supplemental pleadings and to advance sentencing arguments previously barred or deemed "not ordinarily relevant" pursuant to United States v. Booker, 530 U.S. 220 (2005). See Order, docket no. 49.

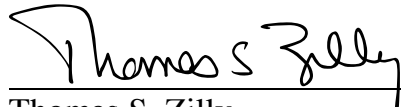
1 On June 18, 2004, this Court sentenced Defendant John Christ to fifty-one (51)
2 months custody and three (3) years supervised release as a result of his convictions for
3 mailing threatening communications. See Judgment, docket no. 41. This sentence was at the
4 top of the applicable Guideline range. The Court has reviewed all supplemental pleadings
5 and the sentencing factors considered by the Court prior to the original sentencing.
6 Defendant's supplemental pleading, docket no. 54 states defendant withdraws his request for
7 a remand.

8 Accordingly, no further hearing is required in this case.

9 The Clerk is directed to close this case.

10 IT IS SO ORDERED.

11 DATED this 28th day of February, 2006.

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14 Thomas S. Zilly
15 United States District Judge
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